

Message Text

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TAGS: EEC, EFTA, ETRD

SUBJ: EC/ EFTA RULES OF ORIGIN: SEWING MACHINES

REF: STATE 92616

1. SUMMARY: COMMISSION OFFICIAL WERE UNABLE TO RESPOND IMMEDIATELY AND FORMALLY TO THE DEPARTMENT' S QUESTIONS ON DIFFERENCES BETWEEN THE GERMAN AND ENGLISH TRANSLATIONS OF THE RULES OF ORIGIN FOR SEWING MACHINE PARTS. HOWEVER, THEY DID GIVE INFORMAL OPINIONS. THEY STATED THAT THE COMMUNITY INTENDS THAT THE TRANSLATIONS IN THE COMMUNITY LANGUAGES CORRESPOND. THE COMMISSION WILL RESPOND LATER ON A MORE AUTHORITATIVE BASIS. END SUMMARY.

2. DESPITE THE ASSISTANCE OF A DANE, AN ITALIAN, AND TWO GERMAN COMMISSION CUSTOMS EXPERTS (ALL BI- OR TRILINGUAL), COMMISSION OFFICIALS WERE UNABLE TO GIVE AN IMMEDIATE AUTHORITATIVE ANSWER TO THE MISSION' S QUESTIONS.

3. AS THE DEPARTMENT IS AWARE, ALL THE SIX COMMUNITY LANGUAGE TEXTS OF THE EC/ EFTA ASSOCIATION AGREEMENTS ARE AUTHORITATIVE. THE ORGANISM WHICH WOULD DECIDE QUESTIONS OF AMBIGUITY AMONG
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TRANSLATIONS IS THE MIXED COMMITTEE FOR EACH EC/ EFTA AGREEMENT. (HOWEVER, THE ITEM DESCRIPTIONS OF THE RULES OF ORIGIN ARE GENERALLY IDENTICAL IN EACH OF THE AGREEMENTS). SHOULD THE COMMISSION OFFICIALS COME TO THE CONCLUSION THAT DIFFERENT LANGUAGE VERSIONS OF THE SAME AGREEMENT ARE INCOMPATIBLE THEY WOULD SEEK A RULING FROM THE MIXED COMMITTEE TO DETERMINE THE PROPER MEANING AND TO EMBODY IT IN A CHANGE OF TEXT OR IN EXPLANATORY NOTES. CONSEQUENTLY IT IS NOT CLEAR THAT WE CAN, IN FACT, GET AN AUTHORITATIVE ANSWER SHORT OF THE MIXED COMMITTEES.

4. THE COMMISSION OFFICIALS WITH WHOM WE SPOKE BELIEVE THAT THE ENGLISH, FRENCH AND DUTCH TEXTS ARE COMPATIBLE, (" CROCHET... MECHANISM/, " MECANISM DU CROCHET", " HAAK... MECHANISEM"). THEY EXPLAINED THE DIFFERENCE IN GERMAN BY SAYING THAT A " GREIFER" MEANS A HOOK OR CLAW ONLY. AT THIS POINT THE EXPERTS DISAGREED, SOME SAYING THAT " ANTRIEBSMECHANISMUS CORRESPONDS TO THE IDEA OF MECHANISM, OTHERS BELIEVING THAT " ANTRIEBSMECHANISMUS" INTRODUCES ANOTHER ELEMENT. THE EXPERTS WERE UNABLE TO GIVE AN OPINION ON WHETHER OR NOT THE CAMSHAFT WOULD BE INCLUDED IN THE " ANTRIEBSMECHANISMUS" OR IN THE " CROCHET MECHANISM". THE COMMISSION OFFICIALS WILL RESPOND MORE FORMALLY AFTER THEY HAVE HAD A CHANCE TO STUDY THE MATTER.

5. THE MISSION BELIEVES IT WOULD BE HELPFUL IN DEALING WITH THE COMMISSION OF FUTURE POINTS, OF SUCH COMPLEXITY AS THOSE IN THE PRESENT CASE, IF THE DEPARTMENT' S INSTRUCTIONS COULD BE SUPPLEMENTED BY PICTURES OR DIAGRAMS. WE COULD THEN MAKE SURE THAT THE COMMISSION OFFICIALS, MANY OF WHOM ARE NOT SPEAKING THEIR NATIVE LANGUAGE ON THESE POINTS, WILL BE ABLE TO RESPOND WITH MORE ASSURANCE TO OUR INQUIRIES.

GREENWALD

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